

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE ZAFIR CASEY,
Plaintiff,
v.
HADDAD, et al.,
Defendants.

Case No. 1:21-cv-00855-KES-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN DEFENDANTS

(Doc. 42)

Plaintiff Dominique Zafir Casey is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 14, 2024, the assigned magistrate judge issued findings and recommendations, recommending this action proceed only on plaintiff's Eighth Amendment excessive force claims against defendants Castro and Fernandez and Eighth Amendment failure to intervene claim against defendant Haddad. Doc. 42. The magistrate judge recommended defendants Agatar and Castillo be dismissed from the action without prejudice, pursuant to Federal Rule of Civil Procedure 4(m), due to plaintiff's failure to effect service on those defendants. *Id.* Specifically, the magistrate judge found that plaintiff failed to provide sufficient information to the United States Marshal to effect service of process on defendants Agatar and Castillo. *Id.* at 4. The findings and recommendations were served on plaintiff and contained notice that any objections

1 were to be filed within fourteen (14) days after service. *Id.* at 4-5. No objections have been filed,
2 and the deadline to do so has expired.


3 In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of
4 this case. Having carefully reviewed the entire file, the court finds the findings and
5 recommendations to be supported by the record and proper analysis.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on March 14, 2024 (Doc. 42) are adopted
8 in full;
- 9 2. This action PROCEEDS only on plaintiff's Eighth Amendment excessive force
10 claims against Defendants Castro and Fernandez and Eighth Amendment failure to
11 intervene claim against Defendant Haddad;
- 12 3. Defendants Agatar and Castillo are DISMISSED without prejudice from this action;
13 and
- 14 4. This matter is referred back to the assigned magistrate judge for further proceedings.

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16
17 IT IS SO ORDERED.

18 Dated: June 3, 2024


UNITED STATES DISTRICT JUDGE